

HOUSE BILL NO. 766

INTRODUCED BY B. WISEMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO DEVELOP AND IMPLEMENT A PLAN FOR THE CONTROL OF NOXIOUS WEEDS ON STATE LANDS; PROVIDING THAT GRAZING LEASES MUST INCLUDE PROVISIONS FOR THE MANAGEMENT OF NOXIOUS WEEDS; PROVIDING FOR A SEPARATE FEE FOR CONTROL OF NOXIOUS WEEDS ON STATE LAND; AMENDING SECTIONS 77-1-301 AND 77-6-113, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 77-1-301, MCA, is amended to read:

"77-1-301. Powers and duties of the department. (1) Under the direction of the board, the department has charge of the selecting, exchange, classification, appraisal, leasing, management, sale, or other disposition of the state lands. It shall perform ~~such~~ other duties that the board directs, the purpose of the department demands, or the statutes require.

(2) ~~It~~ The department shall collect and receive all ~~moneys~~ money payable to the state through its office as fees, rentals, royalties, interest, penalties, or payments on mortgages or lands purchased from the state or derived from any other source. It shall issue a receipt for each cash payment or whenever requested by the payer.

(3) The department shall develop and implement a plan for the control of noxious weeds on state lands.

The plan must include:

(a) verification of weed management compliance on all leases and licenses as they are inspected and, in situations of noncompliance, a procedure for remediation;

(b) identification of weed management projects within administrative units and standards to prioritize funding of these projects;

(c) consolidation of weed management projects where feasible;

(d) alternative enforcement mechanisms;

(e) development of budget proposals pursuant to 17-7-111; and

1 (f) recommendations to the board, as appropriate."

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3 **Section 2.** Section 77-6-113, MCA, is amended to read:

4 **"77-6-113. Lease conditions -- cancellation.** (1) It ~~shall~~ must be a condition of all leases of agricultural
5 or grazing state lands that:

6 (a) in the case of agricultural lands, the lessee shall observe the ordinary rules for good management
7 of agricultural lands and shall handle the leased land with the view of maintaining its productivity and minimizing
8 wind and soil erosion and noxious weeds and planting crops with a view of securing the greatest yields of good
9 quality; and

10 (b) in the case of grazing lands, the lessee shall observe the ordinary rules for good range management
11 and shall manipulate the numbers, class, distribution, and season of the range use and the handling, feeding,
12 breeding, and marketing of grazing livestock with a view of securing the production of the maximum of livestock
13 and livestock products, consistent with the conservation of the land resources, management of noxious weeds,
14 and the perpetuation of ~~its~~ productivity, and to these ends the state land lease may not be abused by
15 overgrazing.

16 (2) For the gross violation of any of these rules, the lease involved ~~shall~~ must be canceled by the
17 department, subject to the appeal procedure provided in 77-6-211."

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19 **NEW SECTION.** **Section 3. Noxious weed management fee -- account -- use.** (1) Each lessee of
20 state land shall pay an annual fee of 10 cents for each acre leased.

21 (2) The fees must be paid to the department for deposit in the account referred to in subsection (3). The
22 fees are not income generated by the land, but each fee is a separate fee imposed upon the lessee for a distinct
23 public purpose.

24 (3) The money collected pursuant to subsection (1) must be deposited in the noxious weed state special
25 revenue account provided for in 80-7-816. The portion of the money in the account deposited pursuant to this
26 subsection may only be expended as provided in subsection (4).

27 (4) The money deposited in the noxious weed state special revenue account pursuant to subsection
28 (3) must be used to manage weeds on state lands. On an annual basis, the department and the department of
29 agriculture may use up to 12% of the money described in subsection (1) to administer the program for the
30 management of noxious weeds on state land. The department of agriculture shall distribute the funds deposited

1 pursuant to subsection (3) pursuant to 80-7-814. The funds may be used for departmental projects or for grants
2 to or contracts with counties, weed management districts, or lessees that it considers appropriate for noxious
3 weed management projects on state land. The department and the department of agriculture may adopt rules
4 to implement this section. Grants and contracts must contain a provision that provides for the reversion of
5 unexpended funds to the department of agriculture. Reverted funds must be deposited in the noxious weed
6 state special revenue account for use as provided in this section.

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8 **NEW SECTION. Section 4. Saving clause.** [This act] does not affect rights and duties that matured,
9 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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11 **NEW SECTION. Section 5. Codification instruction.** [Section 3] is intended to be codified as an
12 integral part of Title 77, chapter 1, part 1, and the provisions of Title 77, chapter 1, part 1, apply to [section 3].

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14 **NEW SECTION. Section 6. Effective date.** [This act] is effective July 1, 2005.

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